

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR LARRY LEE WRIGHT,

Defendant.

CASE NO. CR15-0196 JCC

ORDER CONTINUING TRIAL
DATE

This matter comes before the Court upon the parties' stipulated motion to continue the trial date in this matter (Dkt. No. 27). The parties base their request for a continuance on the following facts:

1. Mr. Wright is charged with production, possession, and distribution of child pornography. (Dkt. No. 27 at 2.) He is also charged in a related state case with first-degree rape of a child. (*Id.*)
2. Mr. Wright has recently had a change of counsel in his state case. (*Id.*) Mr. Wright's new state counsel is currently in the process of reviewing the discovery and getting up to speed. (*Id.*)
3. The parties in the state and federal cases are attempting to achieve a global resolution of the case, which will not be possible until state

1 counsel becomes sufficiently familiar with the matter. (*Id.* at 3.) If
2 resolution is not possible, state and federal defense counsel will need to
3 work together to develop a comprehensive defense strategy for both
4 trials. (*Id.*) This will also not be possible until state defense counsel is up
5 to speed.

- 6 4. In addition, the Government has recently produced additional discovery
7 in the case under a protective order. (*Id.*) Defense counsel needs time to
8 review this discovery. (*Id.*) Defense counsel is also awaiting a response to
9 its discovery request regarding the forensic evaluation of seized
10 computers. (*Id.*)

12 Based on these undisputed facts, the Court now finds:

- 13 1. That failure to grant a continuance would deny counsel the reasonable time
14 necessary for effective preparation, taking into account the exercise of due
15 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv);
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17 2. That the case is complex due to the nature of the prosecution such that it is
18 unreasonable to expect adequate preparation within the time limits
19 specified within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii);
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21 3. That failure to grant such a continuance in the proceeding would be likely
22 to make a continuation of such proceeding impossible and result in a
23 miscarriage of justice within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i);
24 and
25 4. That the ends of justice will be served by ordering a continuance in the
26 case, that a continuance is necessary to ensure effective trial preparation,

1 and that these factors outweigh the best interests of the public in a speedy
2 trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

3 Therefore, good cause having been shown, the trial date is hereby CONTINUED from
4 May 23, 2016 to August 22, 2016 at 9:30 AM. The following deadlines are EXTENDED
5 accordingly:

- 6 1. Pretrial motions are due on or before July 8, 2016.
- 7 2. Trial briefs, witness and exhibit lists, proposed voir dire, proposed verdict
8 forms, motions in limine, and a list of agreed upon and contested
9 proposed jury instructions are due on or before August 8, 2016.

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11 The period of time from the previous trial date of May 23, 2016 to the new trial date of
12 August 22, 2016 is excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161 *et seq.*

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14 DATED this 14th day of April 2016.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE